IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATYE JURISDICTION

SECOND APPEAL No. 376 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mrs. A. N. Helekar, advocate for the appellant.

CORAM : D. B. BHOSALE, J.

DATE : SEPTEMBER 19, 2007.

PC

. Heard learned counsel for the appellant. This Second Appeal is directed against concurrent judgments of the Courts below, by which a suit filed by respondent/plaintiff for possession of the house property, admeasuring 20' x 15' stands decreed. Both the Courts below after having considered the evidence on record, have held that the plaintiff has proved to be the owner of the suit property. The contention of the defendant that he became owner of the suit property by adverse possession has been rejected by the Courts below. Mrs. A. N. Helekar, learned counsel for

the appellant vehemently submitted that the Gram Panchayat record at Exh. 39 show that the suit property stands in the name of defendant and he has been in possession of the suit property, since last 30 years. The Courts below have considered all these contentions in proper perspective, and have recorded a categoric finding that the defendant could not prove his possession over the suit property before 2001-2003. The defendant had not produced any cogent or believeable evidence, in order to show that he has been in possession of the suit property since last 30 years, nor did he examin any witness, in order to substantiate his case. Upon perusal of the judgments of the Courts below, it is clear that the findings recorded, are based on the evidence on record and no interference is called for in the instant appeal. No substantial question of law is raised. In the circumstances, this Second Appeal is dismissed.

Sd/-
[D. B. BHOSALE, J.]